

## REMARKS

### I. INTRODUCTION

Claims 1-20 are pending in the present application. Claims 1-10 and 12-19 have been amended to clarify the subject matter recited therein. Additionally, claim 8 has been amendment to be rewritten in independent form. No new matter has been added. In view of the following remarks, reconsideration of the present application is requested.

### II. REJECTION OF CLAIMS 8, 9, 17 AND 18 UNDER 35 U.S.C. § 112, ¶ 2

Claims 8, 9, 17 and 18 under 35 U.S.C. § 112, ¶ 2 as being indefinite. In particular, the Examiner believes that the term "second modules" recited in claims 8 and 17 include insufficient antecedent basis. Claims 8 and 17 have been amended to clarify that the second modules are those of the activatable modules which must not be activated simultaneously with the first module.

The Examiner also believes that claims 8, 9, 17 and 18 are unclear whether modules as a group have a priority or if each module has a priority, and if you assemble a set by adding a single module of highest priority of a group of modules that all have the same priority.

With respect to the priority of each module, claims 1, 2-8 and 12-17 have been amended to clarify that each activatable module has a respective corresponding priority.

With respect to the assembling the residual set, claim 9 recites that the scheduler selects the module having the highest priority from the activatable modules. The scheduler forms a residual set from the activatable modules, the residual set excluding the already-selected module having the highest priority, and also excluding modules that cannot be activated together with the module having the highest priority. The selection and formation of the residual set continues until there are no more activatable modules. Claim 18 recites similar features.

In view of the foregoing, it is respectfully submitted that all of the pending claims are now definite. Withdrawal of the rejection of claims 8, 9, 17 and 18 is, therefore, requested.

**III. REJECTION OF CLAIMS 1, 3, 8, 9, 12, 14, 17 AND 18  
UNDER 35 U.S.C. § 102(e)**

Claims 1, 3, 8, 9, 12, 14, 17 and 18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,014,591 to Ikeda (the "Ikeda patent"). It is respectfully submitted that the Ikeda patent does not anticipate any of claims 1, 3, 8, 9, 12, 14, 17 and 18 for at least the following reasons.

Claim 1 recites the following:

... a scheduler activating the activatable modules as a function of the respective corresponding priority value of each of the activatable modules to provide activated modules, the activated modules generating data by analyzing states of the system. ...

Claims 2-7 and 11 depend from claim 1. Claim 8 includes a similar feature. Claims 9 and 10 depend from claim 8. Claim 12 recites the following:

... activating the activatable modules as a function of the respective corresponding priority value of each of the activatable modules to provide activated modules ...

Claims 14, 17 and 18 depend from claim 12. With respect to the above-identified features, the Examiner cites to col. 4, lines 26-29 of the Ikeda patent.

Respectfully, with respect to claims 1 and 8 (and the claims that depend therefrom) the Ikeda patent describes a method for generating programs, consequently, there is no scheduler described. At col. 4, lines 26-29, the Ikeda patent describes a "generating means." This generating means combines control filter components corresponding to partial specifications. This generating means is not described as activating modules, as a function of priority values or otherwise.

With respect to claim 12 (and the claims that depend therefrom), as noted above, the portion of the Ikeda patent cited by the Examiner does not describe activating modules. Instead, the Ikeda patent describes combining filter components that correspond to partial specifications.

Moreover, claim 1 further recites:

... a priority manager modifying the respective corresponding priority value of each of at least one of the activatable modules individually.

Claim 8 recites a similar feature. Similarly, claim 12 recites:

... modifying the respective corresponding priority value of each of at least one of the activatable modules individually.

The Examiner cites to col. 4, lines 15-16 as disclosing the recited priority manager (claims 1 and 8), and as disclosing the modifying step (claim 12).

Respectfully, the priority manager of claims 1 and 8 is recited as modifying the priority value of each of at least one of the activatable modules individually. Similarly, claim 12 recites that the respective corresponding priority value of each of at least one of the activatable modules is modified individually. In contrast, in the Ikeda patent, the priority values of at least two partial specifications are changed together, thus the Ikeda patent does not describe modifying the priority value individually. For example, as described in the Ikeda patent at col. 17, line 46 - col. 18, line 7, and as shown in Fig. 23, the priority of a given partial specification is advanced under some condition, for example, while the priority of another partial specification is advanced under another condition. One or more tables corresponding to or including *two or more* priorities 44 are prepared in accordance with a condition. The process of switching the priority is incorporated by an incorporating means 27 into the control program. The execution is monitored by an interruption process or the like. When the predetermined condition is met, a desired priority is selected from the tables. For example, the priorities 44 are assumed to be a plurality of tables that can be switched according to the condition, and the order of execution of the control filter components is determined with reference to the table. Thus, the priority of the separate partial specification cannot be changed individually. Rather, the priorities of all modules are changed simultaneously.

Moreover, claim 8 further recites:

... wherein the scheduler selects a first module having a highest priority for an activation, the first module being selected from a set of the activatable modules awaiting the activation,

wherein the scheduler assembles a residual set of the activatable modules from the set of the activatable modules, the residual set excluding the first module and excluding second modules, the second modules being those of the activatable modules which must not be activated simultaneously with the first module, and

wherein the scheduler selects third modules from the residual set of the activatable modules for the activation.

Claim 12 recites similar features. With respect to these features, the Examiner cites col. 13, lines 20-26 of the Ikeda patent. Respectfully, this portion of the Ikeda patent merely

describes that in an example of the order of access for realizing the order of priority 4, the data of higher priority is arranged later. The Ikeda patent does not describe assembling a residual set which excludes a first modules having the highest priority, and also excludes second modules, the second modules being those activatable modules which must not be activated simultaneously with the first module. Accordingly, the Ikeda patent also does not describe selecting third modules from this residual set.

In view of the foregoing, it is respectfully submitted that the Ikeda patent does not anticipate any of claims 1, 3, 8, 9, 12, 14, 17 and 18. Withdrawal of the rejection of claims 1, 3, 8, 9, 12, 14, 17 and 18 under 35 U.S.C. § 102(e) in view of the Ikeda patent.

**V. REJECTION OF CLAIMS 2, 4, 13 AND 15 UNDER 35 U.S.C. § 103**

Claims 2, 4, 13 and 15 stand rejected under 35 U.S.C. § 103 as being obvious over the Ikeda patent in view of U.S. Patent No. 4,787,041 to Yount (the "Yount patent"). Claims 2 and 4 depend from claim 1. Claims 13 and 15 depend from claim 12. Accordingly, the arguments presented above in connection with claims 1 and 12 and the Ikeda patent apply equally to claims 2, 4, 13 and 15. The Yount patent does not cure the deficiencies of the Ikeda patent. Thus, for at least the reasons presented above, neither the Ikeda patent nor the Yount patent, alone or combined, renders obvious claims 2, 4, 13 and 15. Withdrawal of the rejection of claims 2, 4, 13 and 15 under 35 U.S.C. § 103 as being obvious over the Ikeda patent in view of the Yount patent is, therefore, requested.

**VI. REJECTION OF CLAIMS 5, 6, 10, 11, 19 AND 20 UNDER 35 U.S.C. § 103**

Claims 5, 6, 10, 11, 19 and 20 stand rejected under 35 U.S.C. § 103 as being obvious over the Ikeda patent in view of U.S. Patent No. 4,653,003 to Kirstein (the "Kirstein patent"). Claims 5, and 11 depend from claim 1. Claim 10 depends from claim 8. Claims 19 and 20 depend from claim 12. Accordingly, the arguments presented above in connection with Claims 1, 8 and 12 and the Ikeda patent apply equally to Claims 5, 6, 10, 11, 19 and 20. The Kirstein patent does not cure the deficiencies of the Ikeda patent. Thus, for at least the reasons presented above, neither the Ikeda patent, nor the Kirstein patent, alone or combined, renders obvious Claims 5, 6, 10, 11, 19 and 20. Withdrawal of the rejection of Claims 5, 6, 10, 11, 19 and 20 under 35 U.S.C. § 103 as being obvious over the Ikeda patent in view of the

Kirstein patent is, therefore, requested.

**VII. REJECTION OF CLAIMS 7 AND 16 UNDER 35 U.S.C. § 103**

Claims 7 and 16 stand rejected under 35 U.S.C. § 103 as being obvious over the Ikeda patent in view of U.S. Patent No. 5,563,452 to Kephart (the "Kephart patent"). Claims 7 and 16 depend from claims 1 and 12, respectively, the arguments presented above in connection with claims 1 and 12 and the Ikeda patent apply equally to claims 7 and 16. The Kephart patent does not cure the deficiencies of the Ikeda patent. Thus, for at least the reasons presented above, neither the Ikeda patent nor the Kephart patent, alone or combined, renders obvious claims 7 and 16. Withdrawal of the rejection of claims 7 and 16 under 35 U.S.C. § 103 as being obvious over the Ikeda patent in view of the Kephart patent is, therefore, requested.

**VIII. CONCLUSION**

In view of the foregoing, it is respectfully submitted that all of the pending Claims are now in condition for allowance. Passage to issuance is respectfully requested.

Respectfully submitted,

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